

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANTHONY DAVIS,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-06-710-F
)	
MRS. WATTON,)	
)	
Defendant.)	

ORDER

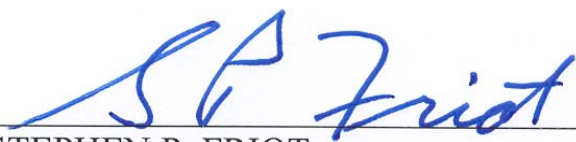
On July 28, 2006, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation, wherein he recommended that plaintiff's 42 U.S.C. § 1983 action be summarily dismissed for nonexhaustion of available administrative remedies. Judge Bacharach specifically advised plaintiff of his right to object to the report and recommendation by August 18, 2006, and that failure to timely object would constitute a waiver of plaintiff's right to appellate review of the suggested ruling. Judge Bacharach also provided docketing instructions, that upon affirmance or waiver of appeal, the suggested dismissal would count as a "prior occasion" for purposes of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g)(2000).

To date, plaintiff has not objected to the report and recommendation and has not requested an extension of time to so object. With no objection being filed, the court accepts, adopts, and affirms the report and recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Robert E. Bacharach on July 28, 2006 (doc. no. 8), is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. The above-entitled action is **DISMISSED WITHOUT PREJUDICE** for nonexhaustion of available administrative remedies.

Upon affirmance or waiver of the right to appeal, this dismissal counts as a “prior occasion” for purposes of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).

DATED August 31, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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